

## REMARKS/ARGUMENTS

The rejections presented in the Office Action dated December 16, 2005 (hereinafter Office Action) have been considered. Claims 2-26 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-6, 9-16, 19-23 and 26 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Publication No. 2004/0203610 by Deeds. Without acquiescing to characterizations in the Office Action of equivalence between Deeds and the claimed features, the Applicants have amended Claims 7, 8, 10, 11 and 13 to include limitations of the underlying Claim 1 to facilitate prosecution of the application. Claims 14 and 19 have also been amended in accordance with the changes to claim 13. The Examiner has acknowledged that the Deeds reference fails to correspond to claims 7 and 8 at pages 6 and 8, respectively, of the Office Action; therefore these claims are believed to be patentable. Further, the Applicants fail to recognize where the Deeds reference teaches the limitations of amended independent claims 10, 11, 13, 14 and 19. For example, Deeds does not appear to teach the claimed use of a Wireless Local Area Network. As these claims merely include limitations of previously pending claims, the amendments do not introduce new matter. As the cited references fail to correspond to the now-claimed invention, the §102(e) rejection is improper, and the Applicants request that it be withdrawn.

The Applicants respectfully traverse the §103(a) rejections of Claims 7, 17 and 24 and Claims 8, 18 and 25 based upon the Deeds reference because Deeds is not an available reference for §103(a) rejections in view of 35 U.S.C. §103(c). Section 103(c) indicates that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102 shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. MPEP §706.01(l)(1). U.S. publication no. 2004/0203610 to Deeds is owned by Nokia Corporation as a result of the assignment recorded at Reel/Frame No. 012845/0717 on April 25, 2002, and the inventors of the instant invention were subject to an obligation to assign the instant invention to Nokia Corporation at the time the invention was made. That obligation was fulfilled as

evidenced by the assignment of the instant application to Nokia Corporation recorded at Reel/Frame No. 015620/0963 on January 25, 2005. In view of the above-evidenced common ownership, Deeds is not available as a §103(a) reference thereby rendering the §103(a) rejections improper. The Applicants accordingly request that both §103(a) rejections be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.078PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,  
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